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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,914	04/20/2001	John Saarinen	TRW(M)5722	2240
26294	7590	01/23/2004	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			WILLIAMS, ERIC M	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/839,914

Applicant(s)

SAARINEN ET AL.

Examiner

Eric M Williams

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-25 is/are pending in the application.
- 4a) Of the above claim(s) 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3681

1. This action is in response to the papers filed 11/06/2003 for serial number 09/839,914.

***Election/Restrictions***

2. Applicant's election of Figure 1 in the papers filed 11/06/2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse and is hereby made final (MPEP § 818.03(a)).
3. Claims 18-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borman ('865) in view of Luibrand Patent No. ('276), Bullard et al. ('814) and further in view of Shelhart ('282) and Hancock ('241).

Borman discloses a single reservoir (column 2 lines 28-45) for a fluid system (46), the fluid system which can be any of the fluid systems commonly used for

Art Unit: 3681

automotive vehicles, such as an automatic transmission, power steering, power brakes or a combination thereof. Therefore, Borman's fluid system combination (46) contains all the elements of an automatic transmission system and a power steering system. So although Borman lacks any explicit disclosure of a separate automatic transmission pump and power steering pump, these components are present in an automatic transmission system and a power steering system as disclosed in Bullard and Luibrand. Therefore, it would have been obvious to one of ordinary skill in the art at the time of this invention to modify the fluid system with an automatic transmission and a power steering system of Borman to include a transmission pump, as taught by Bullard (98), and a power steering gear pump (12), as taught by Luibrand, so that the fluid system includes all the elements of an automatic transmission and a power steering system.

Specifically, Borman lacks the teaching of a power steering system including the components of a steering gear and a fluid motor. Luibrand (Fig. 1) discloses a power steering system comprising a fluid motor (24) assisting the output movement of the steering system. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Borman such that the power steering gear fluid system included a fluid motor, in view of Luibrand, to assist the output movement of the steering mechanism.

Similarly, Borman lacks specific disclosure of the system having a cooler for cooling hydraulic fluid. Bullard et al. (Fig. 1) discloses a cooler (90) for cooling the hydraulic fluid of a (16) transmission system (10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of this invention to modify the

Art Unit: 3681

system of Borman such that it has a cooler, in view of Bullard, to ensure proper cooling of the hydraulic fluid.

Bullard and Luibrand do not disclose the exact operating pressures of their respective systems, but Hancock (column 13 lines 60-69 and column 14 lines 1-9) and Shelhart (column 2 lines 54-61) teach that the operating pressure of an automatic transmission pump at a relatively low pressure (150-250 psi) and an operating pressure of a power steering pump at a relatively high pressure (900-1000 psi). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Borman, in view of Bullard and Luibrand, such that the supply of fluid to the automatic transmission pump is at a relatively low pressure and the supply of fluid to the power steering pump is at a relatively high pressure, further in view of Hancock and Shelhart, to supply the pressure at optimal/required operating pressures.

Re claim 16, Luibrand (Fig. 1) also discloses a plurality of power steering fluid lines for transmitting fluid. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify the system of Borman such that the power steering system had a plurality of power steering lines, in view of Luibrand, for efficient operation of the power steering gear.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Borman ('865) in view of Luibrand Patent No. ('276), Bullard et al. ('814), Shelhart ('282) and Hancock ('241) as applied to claim 15 above, and further in view of Yamaguchi ('968).

The teachings of Borman in view of Luibrand, Bullard, Shelhart and Hancock disclose all the limitations of claim 17, but lack any specific disclosure of a filter. Yamaguchi (Fig. 1) discloses a fluid system with fluid reservoir with a single suction filter (S/F) located at the output port going to two pumps and the filter being shared by dual systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Borman such that the single reservoir for the two systems had a filter on the output port of the pump to filter the fluid pumped to the automatic transmission and to the steering gear, in view of Yamaguchi, to reduce the number of harmful particulates in the fluid.

### ***Response to Arguments***

7. Applicant's arguments filed 07/18/2003 have been fully considered but they are not persuasive. Applicant argues none of the references teach a transmission fluid pump and a power steering pump connected to a common reservoir. As discussed above, Borman discloses a fluid system (46) sharing a single reservoir with an automatic transmission system and power steering system. Therefore, it would have been obvious to one of ordinary skill in the art to modify the fluid system of Borman such that it includes an automatic transmission with a pump as disclosed by Bullard and a power steering system with a power steering pump as disclosed by Luibrand.

**Conclusion**

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**79.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



EMW



ROGER PANG  
T-15-04